

Department of Community Planning and Economic Development – Planning Division
Rezoning & Variances
BZZ – 5366

Date: October 31, 2011

Applicant: Emerge Community Development

Address of Property: 1830 & 1834 Emerson Avenue North

Project Name: Emerge Career & Technology Center

Contact Person and Phone: Lisa Kugler, (612) 827-2189

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: October 7, 2011

End of 60-Day Decision Period: December 6, 2011

End of 120-Day Decision Period: On October 20, 2011, staff sent the applicant a letter extending the decision period no later than February 4, 2012.

Ward: 5 **Neighborhood Organization:** Northside Residents Redevelopment Council

Existing Zoning: R4 Multiple-Family Residence District and OR2 High Density Office Residence District

Proposed Zoning: OR2 High Density Office Residence District

Zoning Plate Number: 8

Legal Description of Property to be Rezoned: Lot 18, Block 28, Gales Subdivision in Sherburne & Beebes Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Community center

Concurrent Review:

- Petition to rezone the property of 1830 Emerson Avenue North from R4 to OR2.
- Variance to reduce the interior side, landscaped yard requirement to 4.5 feet to allow a parking area.
- Variance to reduce the minimum width of a two-way drive aisle from 22 feet to 20 feet.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments and Chapter 525, Article IX Variances, specifically section 525.520 (1) To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations, (14) To reduce the

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minimum required width of parking aisles...as regulated in Chapter 541, Off-Street Parking and Loading..., and (25) To vary the screening and landscaping requirements of this zoning ordinance.

Background: Emerge Community Development proposes to utilize the property of 1834 Emerson Avenue North for a community center, more specifically a career and technology center. The existing building was previously occupied by the Minneapolis North Branch Public Library. The applicant proposes to rehabilitate the building and construct an 11 space parking lot on the lot to the south of the building to accommodate the parking demands of the proposed use. The former library building is a designated historic landmark, both locally and nationally, because of its architectural and educational significance. At its September 27, 2011 meeting, the Heritage Preservation Commission approved a certificate of appropriateness to allow for the proposed rehabilitation with the exception of the design of the treatment of the concrete facing of the foundation of the building and retaining wall for the accessible ramp, which will be revisited at a later date. The 1834 property is zoned OR2, where a community center is a permitted use. The property of 1830 Emerson Avenue North, where the parking lot is proposed, is zoned R4. Neither accessory nor off-site parking for a use located in the OR2 district is allowed in an R4 district. Also, a zoning lot cannot have split zoning. Therefore the applicant is petitioning to rezone the property of 1830 Emerson Avenue North to allow the proposed parking lot. A house exists on the property that will be demolished in order to establish the parking area.

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R4 zoning to the south. A 5 foot wide yard is required by the zoning district. A parking area, including curbing, is not a permitted obstruction in a required yard. Parking areas are also subject to the landscaping, screening and curbing requirements of Chapter 530 Site Plan Review. Where parking areas abut a residence district, a 7 foot wide landscaped yard must be provided along the property line. The proposed parking area including the curbing would be located 4.5 feet from the interior side lot line. A variance is required to reduce the interior side yard and landscaped yard requirements.

For required parking, a 22-foot drive aisle is required for two-way traffic. A 20 foot drive aisle would be provided. A variance is required to reduce the drive aisle width.

Other changes to the site have been reviewed administratively for compliance with the applicable zoning code requirements. The project has also been reviewed at a Preliminary Development Review meeting. To complete the review process, final site, landscaping, civil, floor, building elevation, and lighting plans addressing all CPED, Public Works, and other applicable City department requirements from the PDR meeting are required to be submitted before building permits can be obtained.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 1830 Emerson Avenue North from R4 to OR2.

Findings as required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use designation of 1830 and 1834 Emerson Avenue North is designated as urban neighborhood. Emerson Avenue is designated as a community corridor. The subject site is located adjacent to properties on West Broadway, which is designated as a commercial corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.
- 1.8.3 Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

The site is also located within the boundaries of the *West Broadway Alive Plan*. The plan was adopted by the City Council in 2008. The plan identifies urban neighborhood uses as the appropriate use of the subject property.

Staff comment: The OR2 district is established to provide a mixed use environment of moderate to high density dwellings and large office uses, with additional small scale retail sales and services uses designed to serve the immediate surroundings. The property of 1834 Emerson Avenue is currently zoned OR2.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Rezoning the property of 1830 Emerson Avenue will contribute to the reuse and rehabilitation of an historic structure by allowing a location for on-site accessory parking for the building. The amendment is in the public interest and not solely in the interest of the property owner.

- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

Existing zoning on the block where the subject site is located includes C1 to the north, R4 to the south and east, and R2B to the east. Directly across the street from the site is OR2 zoning for a surface parking lot that serves uses fronting West Broadway. Although there are some low-density residential uses, nonresidential uses are predominant in the immediate area. The proposed zoning would be compatible with the surrounding uses and zoning classifications and would serve as a transition between the commercial zoning on West Broadway and the residential zoning to the south.

- 4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

The R4 zoning district allows low to medium density residential uses and a limited number of low intensity nonresidential uses, but not a community center. The OR2 district allows low to high density residential uses and a wider range, yet still limited, number of nonresidential uses that can serve as small to medium scale mixed use areas within neighborhoods. Although there are reasonable uses allowed in the R4 zoning district, the site cannot be part of the same zoning lot with 1834 Emerson Avenue without rezoning to prevent the creation of split zoning.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

In 2009, the City Council adopted a rezoning study as an implementation step of the *West Broadway Alive Plan*. The rezoning study boundaries extended one block or more from West Broadway and affected the zoning of more properties than just those abutting West Broadway. The adoption of the study included changing the zoning of the parcels on the west side of the block bound by West Broadway, Dupont, Fremont and 18th Avenue, south of the alley from C2 to OR2 and R4. Since the rezoning study was adopted, there hasn't been a significant change in the character or trend of development in the immediate area.

VARIANCE: To reduce the interior side, landscaped yard requirement to 4.5 feet to allow a parking area.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

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There are a number of existing constraints that limit where on-site parking can be provided. A historic building with no legal parking area exists at the property of 1834 Emerson Avenue North. The building footprint and yard requirements of the OR2 district leave no area of the site available for parking. The applicant has acquired the property of 1830 Emerson Avenue North to provide the required parking for the proposed community center use. Although there are some grandfather parking rights for the former library building, the parking requirements for the proposed community center exceeds the grandfather rights by 14 spaces. The applicant is utilizing the bicycle incentive authorized by the zoning code to reduce the requirement by 3 spaces. Therefore, 11 spaces must be provided to comply with the minimum parking requirement. The property of 1830 Emerson is 44 feet wide. A minimum width of 40 feet is required for 90 degree parking with two-way circulation exclusive of curbing. A depth of 18 feet is required for the parking spaces and a width of 22 feet is required for the drive aisle. The applicant is requesting a variance to reduce the drive aisle width to 20 feet. The 6 inch by 6 inch continuous concrete curbing is required because on-site filtration of stormwater is not feasible in that area due to a significant grade change. The back addition of the former library building is built up to the south lot line of the 1834 Emerson parcel. To prevent vehicles from hitting the south building wall, the north curb line would be setback one foot from the building. The building is not currently accessible and the only practical area to provide the accessible entrance is located on the south side of the building. This leaves no room to the north of the 1830 Emerson parcel for a parking area. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. Other comprehensive plan policies support historic preservation objectives and sustainable design practices. The applicant is proposing to rehabilitate and reuse the North Branch Library building. No on-site parking exists for the building. The proposed parking would accommodate the parking demands of the proposed community center use. Without the granting of the variance, the required parking could not be provided on-site. A lack of available parking for the building could adversely affect the adaptive reuse of an historic structure for viable purposes. With the proposed screening that would be 6 feet high and 95 percent opaque on the south side of the parking area, the proposed 4.5 foot landscaped yard would provide adequate separation from the parking/loading area and open space on the adjacent nonresidential property. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

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A property occupied by an office use, Families Moving Forward, is located to the south of the proposed parking area. The Families Moving Forward building is located 44 feet from the south lot line of 1830 Emerson Avenue North. A parking/loading area and open space is located between the adjacent building and subject site. In addition to the 4.5 foot wide landscaped yard with trees, required screening that is 6 feet high and 95 percent opaque would be provided south of the proposed parking area. The granting of the variance should have little effect on surrounding property.

VARIANCE: To reduce the minimum drive aisle width from 22 feet to 20 feet.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The practical difficulties affecting the site are identified in finding #1 above for the yard variance. If a 22-foot drive aisle were provided, the parking would encroach further into the required interior side yard. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

A 22-foot drive aisle is required for two-way traffic. A 20-foot drive aisle is required for one-way traffic. The minimum drive aisle width requirement is established to ensure adequate room to maneuver without affecting adjacent land uses. A landscape buffer would separate the parking area from the adjacent property and there would be room at the end of the parking area for maneuvering. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting of the proposed variance will allow for the establishment of accessory parking for a historic building, which should benefit the surrounding area by not increasing traffic congestion in the street. It should also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties because all maneuvering would occur on-site.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 1830 Emerson Avenue North from R4 to OR2.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side, landscaped yard requirement to 4.5 feet to allow a parking area for the properties located at 1830-1834 Emerson Avenue North.

Recommendation of the Department of Community Planning and Economic Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for the properties located at 1830-1834 Emerson Avenue North.

Attachments:

1. Preliminary Development Review report
2. Applicant’s statement of use and findings
3. Zoning district comparison
4. Zoning map
5. Plans
6. Photos